

**ASSEMBLY BILL**

**No. 168**

**Introduced by Assembly Member Maze**

January 23, 2003

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An act to amend Section 11198 of the Penal Code, relating to imprisonment.

LEGISLATIVE COUNSEL'S DIGEST

AB 168, as introduced, Maze. Imprisonment.

Existing law establishes the Interstate Corrections Compact Act and the Western Interstate Corrections Compact Act which statutorily authorizes states to enter into contracts with other party states for the confinement of inmates on behalf of the sending state in institutions situated within a receiving state. Any court, agency, or officer of this state with the authority to commit or transfer an inmate to any institution for confinement may commit or transfer that inmate to any institution within or without this state if this state has entered into a contract for the confinement of inmates in that institution pursuant to a compact under one of the above acts. Existing law prohibits, except as authorized by California statute, any city, county, city and county, or private entity from causing to be brought into, housed in, confined in, or detained in this state any person sentenced to serve a criminal commitment under the authority of any jurisdiction outside of California.

This bill would permit a county of the 21st class, with the agreement of the Director of Corrections, to cause to be brought into this state any persons sentenced to serve criminal commitments under the authority of a jurisdiction outside of California, and to detain, confine, or house those persons in any jail facility beds that will not be needed for county inmates during the period of the commitments.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11198 of the Penal Code is amended to  
2 read:

3 11198. (a) Except as authorized by California statute *or as*  
4 *provided in subdivision (c)*, no city, county, city and county, or  
5 private entity shall cause to be brought into, housed in, confined  
6 in, or detained in this state any person sentenced to serve a criminal  
7 commitment under the authority of any jurisdiction outside of  
8 California.

9 (b) It is the intent of the Legislature that this act shall neither  
10 prohibit nor authorize the confinement of federal prisoners in this  
11 state.

12 (c) *With the agreement of the Director of Corrections, a county*  
13 *of the 21st class may cause to be brought into this state any persons*  
14 *sentenced to serve criminal commitments under the authority of a*  
15 *jurisdiction outside of California, and may detain, confine, or*  
16 *house those persons in any jail facility as long as the beds taken*  
17 *by those persons will not be needed for county inmates during the*  
18 *period of the commitments.*

